chancellor of UW-Madison, Dr. Wiley has been an active member of the campus community for over 30 years. In this time, John has significantly improved the academic profile of the university. His list of accomplishments is quite extensive. Especially noteworthy has been his leadership in the areas of science, engineering, business, and medicine, maintaining the university's reputation as a world-renowned research and teaching institution.

In addition to his responsibilities as chancellor, Dr. Wiley also chairs the Council of Higher Education Accreditation Board and is a member of the National Security Higher Education Advisor Committee. John also actively participates in the greater Madison community, serving on several local and community boards, including UW Hospital and Clinics Authority, the Wisconsin Alumni Research Foundation, and the Greater Madison Chamber of Commerce.

Although Chancellor Wiley is retiring from his current position, he will remain a visible and important part of the UW-Madison campus. His advocacy, dedication, and leadership will leave a lasting legacy on the entire community, and the area will continue to benefit from all that he has done. On behalf of UW students, staff, and the entire State of Wisconsin, I would like to thank John for his many years of tireless service and for making students his top priority. I wish John a long and very happy retirement.

RECOGNIZING KYLE M. TANNER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle M. Tanner, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle M. Tanner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CALLING FOR AN END TO THE UNFAIR DISPARITY IN COCAINE SENTENCING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2007

Mr. RANGEL. Madam Speaker, I rise today to echo the country's growing insistence that crack cocaine sentencing be reformed and that a sensible, fair policy replace it. I introduce the December 11 Washington Post editorial, ''Sense in Sentencing,'' and the December 12 New York Times Post editorial, ''Justice in Sentencing,'' to highlight how from all branches of government momentum is indisputably picking up in favor of reform. This week, a decisive Supreme Court granted judges greater discretion in sentencing, and the U.S. Sentencing Commission decided to retroactively apply the recent reduction of its sentencing recommendations—both a nod to the prevailing outrage concerning excessively stiff crack cocaine penalties.

The Commission and the Court have done all they can. Now, it's our turn. The impetus falls on Congress to end the sentencing inequity that slaps the same 5-year sentence for possessing 500 grams of powder as it does for 5 grams of crack. That's a 100-to-1 disparity—and an average difference of 40 months in jail time—for two drugs experts say have no significant differences. Well, here's one significant difference: Over 80 percent of sentenced crack offenders are Black. These arbitrarily lopsided mandatory minimums have fueled the disproportionate rate and length of incarceration of Black men and swelled our prisons to a world-leading 2.2 million.

The door to criminal and racial justice has been opened. It's now up to this Congress to step through it. Let's rally around The Crack-Cocaine Equitable Sentencing Act, H.R. 460, and correct the sentencing of uneven punishments for nearly identical offenses.

SENSE IN SENTENCING:THE SUPREME COURT GIVES JUDGES SOME LEEWAY IN DRUG CASES

For roughly two decades, federal trial judges have chafed under the constraints of federal sentencing guidelines and mandatory minimums that often forced them to hand down inordinately long sentences. Those injustices have been most pronounced in drug cases, particularly those involving crack cocaine. In two opinions released yesterday, the Supreme Court handed back some flexibility to judges and increased the chances that justice—not just retribution—will be exacted in future cases.

By 7–2 votes, the justices concluded that trial judges have the leeway to impose more lenient sentences in drug cases than those called for by the federal sentencing guidelines. To pass legal muster, the sentences must be ''reasonable'' and ''sufficient, but not greater than necessary'' to ''promote respect for the law, provide just punishment for the offense'' and ''protect the public from further crimes of the defendant.''

One decision yesterday concerned Derrick Kimbrough, who was arrested in Norfolk in 2004 with 92 grams of powder cocaine, 56 grams of crack and a gun. He faced 19 to 22 years behind bars, in large part because of the high penalties for crack offenses; he would have had to possess 5,000 grams of powder cocaine to get the same sentence. After considering Mr. Kimbrough's record of steady employment and his military service during the Persian Gulf War, the trial judge concluded that Mr. Kimbrough should serve roughly 15 years.

In the second case, Brian Gall, along with seven others, was indicted in Iowa in 2004 for conspiracy to sell ecstasy, cocaine and marijuana. The conspiracy, according to the indictment, ran from 1996 to 2002. Mr. Gall, a former drug addict, sold ecstasy for roughly 7 months in 2000 but stopped using drugs 1 month after he began selling them and pulled out of the drug trade a few months later. He subsequently earned a college degree and worked in construction before starting his own company. When he was indicted, Mr. Gall had been drug-free and law-abiding for roughly 4 years. The presiding judge determined that the 30- to 37-month sentence called for by the guidelines was unjust and counterproductive. He sentenced Mr. Gall to 36 months probation.

The justices rightly rebuffed the government's challenge to the reduced sentences. They recognized the wisdom of allowing those closest to the ground—the trial judges—to assess how best to exact justice in individual cases, even while endorsing the guidelines as a means to avert wide disparity in sentences nationwide.

The evolution of crack sentencing could continue today when, perhaps coincidentally, the U.S. Sentencing Commission is scheduled to vote on whether to make retroactive the more lenient penalties it instituted earlier this year. The commission should vote yes and take yet another step toward bringing sanity to the crack laws.

JUSTICE IN SENTENCING

With a pair of 7–2 rulings this week, the Supreme Court struck a blow for basic fairness and judicial independence. The court restored a vital measure of discretion to federal trial judges to impose sentences based on their assessment of a particular crime and defendant rather than being forced to adhere to overarching guidelines.

Beyond that, one of the rulings highlighted the longstanding injustice of federal guidelines and statutes imposing much longer sentences for offenses involving crack cocaine, which is most often found in impoverished communities, than for offenses involving the chemically identical powdered cocaine, which is popular among more affluent users.

The rulings provide fresh impetus for Congress to rewrite the grotesquely unfair crack cocaine laws on which the federal sentencing guidelines are partly based. Those laws are a relic of the 1980s, when it was widely but wrongly believed that the crack form of cocaine was more dangerous than the powder form. We are pleased that the United States Sentencing Commission recently called for reducing sentences for some categories of offenders and has now called for applying the change retroactively. The real work still lies with Congress, which needs to rewrite the law.

Building on a 2005 decision that held the sentencing guidelines to be advisory rather than mandatory, the new rulings affirm that the guidelines are but one factor to be considered by a trial judge in arriving at an individual sentence, and that an appeals court must have a strong reason to overturn that sentence.

In one of the cases, the justices supported a district judge in Virginia who gave a military veteran convicted of crack dealing a sentence of 15 years, rather than the 19–22 years that the guidelines recommended. The ruling described the federal crack law as ''disproportionate and unjust.'' Writing for the majority, Justice Ruth Bader Ginsburg stated that it would not be an abuse of a discretion for a trial judge to conclude that the crack/powder disparity resulted in a longer-than-necessary sentence for a particular defendant.

In the other case, the court found that a trial judge was within his rights to impose a light sentence on a man briefly involved in selling the drug Ecstasy while in college. In reviewing sentences, wrote Justice John Paul Stevens for the majority, appellate courts must apply a deferential abuse-of-discretion standard to trial judges' decisions.

There is a danger that the new procedures outlined by the court could end up making federal sentences unfairly disparate across the country, undermining one of the important objectives of having sentencing guidelines in the first place. If that happens, Congress will have to address the problem. For